

Management Alert



UK Immigration Update

By Deirdre M. Murphy

The following alert is directed to organizations with a presence in the UK or who anticipate the need to place talent at a UK work site.

Seyfarth Shaw's Global Mobility Practice hosts attorneys licensed to practice in the UK, Canada, and Germany. The group has the capability to assist clients with obtaining work and residence visas for over 70 jurisdictions around the world. If we can assist you in placing talent, please call your Seyfarth attorney. We will be happy to help you.

If you are interested in being added to our UK Immigration Client Mailing List, please [click here](#).

1. The British-Irish Visa Scheme

The Irish Department of Justice and Equality and the United Kingdom Home Office have announced a new "British-Irish Visa Scheme." This collaboration between the governments of the United Kingdom and Ireland will allow nationals of certain countries to travel between these countries on one visa, rather than two separate visas, as is currently the case.

Who will benefit?

Under the new scheme, nationals of China and India will be permitted to travel freely in the Common Travel Area, which consists of Ireland and the United Kingdom, with either an Irish or British visa. (Currently, visitors from India and China must obtain two separate visas for the United Kingdom and Ireland in order to travel as visitors to these two countries.) The scheme will only apply to short stay business and tourist visitor visas, and will not extend to work visas.

As Ireland and the United Kingdom are not part of the Schengen region, visitors who require a visa to enter these countries must obtain separate visas for Ireland, the United Kingdom, and the Schengen zone. Not surprisingly, the additional time and costs required to obtain multiple visas acts as a deterrent to potential visitors. This new scheme is designed to simplify the process for visitors from China and India, and encourage more business and tourist visitors to the United Kingdom and Ireland.

The scheme will operate through a reciprocal visa arrangement, whereby Ireland and the United Kingdom will recognize short stay visas issued to nationals of India and China by the other country.

The implementation date has yet to be confirmed. However, the scheme most likely will commence in Autumn 2014. The Irish and UK authorities will monitor the scheme and, if successful, are expected to expand the British-Irish Visa Scheme to other nationalities.

2. ETS banned as an Approved Provider

The Home Office recently suspended the license for the Education Testing Service (“ETS”) to carry out secure English language testing for immigration purposes. This change is a result of investigations which revealed evidence of widespread fraud in English language testing administered by ETS.

Demonstrating proficiency in the English language is a requirement for various types of UK immigration applications. For example, a Tier 2 General applicant must satisfy the English language requirement by one of three methods. She or he may be a national of one of the countries designated by the Home Office as a “majority English speaking country” or have a degree which was taught in English. Alternatively, she or he may pass an English language test administered by an approved provider.

As of July 1, 2014, ETS will be removed from the approved list of secure English language test providers. Transitional provisions have been introduced to avoid a detrimental impact on applicants who have already taken a test administered by ETS. Tier 2 visa applicants relying on a certificate issued by ETS will continue to be accepted, provided the visa application is submitted and the fee is paid before July 22, 2014.

All applicants taking an English language test must check the [list of approved providers](#) as designated by the Home Office.

3. Increase in Maintenance Levels

From July 1, 2014, the maintenance level for migrants and dependents under the Points Based System will increase.

The current requirement under Tier 2 is for the main applicant to demonstrate that she or he has held funds of at least £900 for three months prior to the date of application, plus an additional £600 for each family member. Alternatively, sponsors can certify maintenance on behalf of the Tier 2 migrant and his or her family members. From July 1, 2014, the maintenance levels will increase to £945 for the main applicant, and £630 for each dependent.

Therefore, sponsors and migrants must ensure that they meet the higher maintenance levels for all applications submitted on or after July 1, 2014.

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